

UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO

IN RE:	*	CASE NUMBER: 05-00008-G
	*	
DAVID MOLINA HERNANDEZ	*	
	*	CHAPTER 13
	*	
DEBTOR (S)	*	

MOTION FOR MODIFICATION OF PLAN PURSUANT TO SECTION 1329 OF
THE BANKRUPTCY CODE

TO THE HONORABLE COURT:

COME NOW DEBTOR (S) represented by the undersigned attorney and most respectfully before this Court states and prays:

1. Debtor, David Molina Hernández, filed for protection under Chapter 13 of the Bankruptcy Code on January 3, 2005.
2. That the Trustee filed a Motion to dismiss in this case alleging debtor incurred in arrears in his confirmed chapter 13 payment plan. That due to health problems debtor incurred in such arrears, when he was forced to cover the unexpected medical bill expenses. The situation has been solved and he is now able to continue making timely payments.
3. Debtor hereby proposes a modified plan dated October 3, 2007, pursuant to section 1329 of the Bankruptcy Code, providing for a total base of \$9,000.00 to cure the arrears incurred in payments in his chapter 13 payment plan and to resolve the feasibility problems in his case.
4. Debtor will commence timely payments under the modified plan dated October 3, 2007 on November 2007.
5. Debtor is in great need to continue with his bankruptcy proceedings under this case and understands that the proposed modification to the plan will permit his financial reorganization under the provisions of Chapter 13 of the Bankruptcy Code.

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WHEREFORE, debtor requests the Court to grant him the opportunity to modify the confirmed plan and approve the Post Confirmation Modification of Plan according to 11 USC 1329 and allows debtor the opportunity to complete the plan to receive a discharge.

NOTICE

Parties in interest are notified they have twenty (20) days to reject proposed modification of plan dated October 3, 2007 and request a hearing. Absent good cause, untimely rejections shall be denied. Absent a timely rejection and request for a hearing, the proposed post confirmation of a plan becomes the plan under 11 U.S.C. §1329(b)(2) and Rule 2002(a)(5).

Notice is hereby given to all parties in interest included in the attached master address list according to Rule 2002 of the Bankruptcy Rules.

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the annexed amended plan dated October 3, 2007 has been forwarded by CM/ECF System to Mr. José R Carrión, Chapter 13 Trustee, and to all parties in interest as per master address list.

In San Juan, Puerto Rico, this 3rd day of October 2007.

RESPECTFULLY SUBMITTED,

/s/Madeline Soto Pacheco

MADELINE SOTO PACHECO, ESQ.
ATTORNEY FOR DEBTOR(S):
DAVID MOLINA HERNANDEZ
USDC 207910
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CONDOMINIO UNIMAR
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UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO

IN RE:

DAVID MOLINA HERNANDEZ

BK CASE # 05-00008-GAC

CHAPTER 13

DEBTOR(S)

CHAPTER 13 PAYMENT PLAN

- 1 - The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee ☒ directly ☐ by payroll deductions as hereinafter provided in the PAYMENT PLAN SCHEDULE.
2. The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.

PLAN DATED: _____
☐ PRE ☒ POST-CONFIRMATION

☒ AMENDED PLAN DATED: 10/3/07
FILED BY ☒ DEBTOR ☐ TRUSTEE ☐ OTHER

1. PAYMENT PLAN SCHEDULE

\$	250.00	x	26	=	\$6,500.00
\$	0.00	x	7	=	\$0.00
\$	250.00	x	10	=	\$2,500.00
\$		x		=	
\$		x		=	
TOTAL =					\$9,000.00

Additional Payments:

\$_____ to be paid as a LUMP SUM
within _____ with proceeds to come from

☐ Sale of property identified as follows:

☐ Other: _____

Periodic Payments to be made other than, and in
addition to the above.

\$_____ x _____ = _____

PROPOSED BASE: \$9,000.00

III. ATTORNEY'S FEES

(To be paid as administrative expenses)

Outstanding balance as per Rule 2016(b) Fee

Disclosure Statement: \$ 1,400.00

Signed: /s/ DAVID MOLINA HERNANDEZ
DEBTOR

JOINT DEBTOR

11 DISBURSE FUNDS IN THE FOLLOWING ORDER AFTER ADMINISTRATIVE EXPENSES

A- ADEQUATE PROTECTION PAYMENTS CR _____ \$ _____

B. SECURED CLAIMS.

☐ Debtor represents no secured claims.

☒ Creditors having secured claims will retain their liens and shall be paid
as follows:

1. ☐ Trustee pays secured ARREARS:

Cr. _____	Cr. _____	Cr. _____
# _____	# _____	# _____
\$ _____	\$ _____	\$ _____

2. ☒ Trustee pays IN FULL Secured Claims

Cr. MUEB. BERRIOS	Cr. _____	Cr. _____
# 24-012398-0	# _____	# _____

3. ☐ Trustee pays VALUE OF COLLATERAL

Cr. _____	Cr. _____	Cr. _____
# _____	# _____	# _____
\$ _____	\$ _____	\$ _____

4. ☒ Debtor SURRENDERS COLLATERAL to Lien Holder:
SAVINGS TO AEELA

5. ☐ OTHER: _____

6. ☒ Debtor Otherwise maintains regular payments directly to:
CITIBANK (MORTGAGE)

C. PRIORITIES. The Trustee shall pay priorities in accordance with the law.
(11 U.S.C. § 507 and § 1322 (a)(2))

D. UNSECURED CLAIMS. Plan ☐ Classifies ☒ Does not Classify Claims.

1. (a) Class A- ☐ Co-debtor Claims / ☐ Other: _____
☐ Paid 1 00% / ☐ Other: _____

Cr. _____	Cr. _____	Cr. _____
# _____	# _____	# _____

(b) ☐ Other: _____

2. Unsecured Claims otherwise receive PRO-RATA disbursements

OTHER PROVISIONS: (Executory contracts; payment of interest to unsecured, etc.)

Label Matrix for local noticing
0104-3
Case 05-00008
District of Puerto Rico
Old San Juan
Fri Aug 31 11:59:59 AST 2007
VATIV RECOVERY SOLUTIONS LLC
PO BOX 19249
SUGAR LAND, TX 77496-9249

CITIBANK
C/O SERGIO RAMIREZ DE ARELLANO
PO BOX 9024253
SAN JUAN, PR 00902-4253

US Bankruptcy Court District of P.R.
U.S. Post Office and Courthouse Building
300 Recinto Sur Street, Room 109
San Juan, PR 00901-1964

CitiMortgage, Inc.
Law Offices of David J. Stern, P.A.
c/o Wendy J. Wasserman
801 S. University Drive
Suite 500
Plantation, FL 33324-3367
ASOC DE EMPLEADOS DEL ELA
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MINILLAS INDUSTRIAL PARK
BAYAMON, PR 00959 1910

ASSOCIATES FINANCE
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PO BOX 13665
SAN JUAN, PR 00908-3665

CINGULAR WIELESS
PO BOX 15067
SAN JUAN, PR 00902 8567

CINGULAR WIRELESS
PO BOX 192830
SAN JUAN, PR 00919-2830

CITIBANK
PO BOX 6062
SIOUX FALLS, SD 57117-6062

CITIBANK, NA
PO BOX 364106
SAN JUAN, PR 00936-4106

CRESCA CORPORATION
PMB 92 PO BOX 71325
SAN JUAN, PR 00936-8425

DEPARTMENT OF TREASURY
BANKRUPTCY SECTION (424-B)
PO BOX 9024140
SAN JUAN PR 00902-4140

FIRSTBANK-WESTERN AUTO
PO BOX 9146
SAN JUAN, PR 00908-0146

HOUSEHOLD AUTOMOBILE FINANCE CORP
PO BOX 17906
SAN DIEGO CA 92177-7906

ISLAND FINANCE
PO BOX 195369
SAN JUAN, PR 00919 5369

ISLAND FINANCE PUERTO RICO INC
BANKRUPTCY DEPARTMENT
PO BOX 195369
SAN JUAN, PR 00919-5369

MONEY EXPRESS
PO BOX 607070
SAN JUAN, PR 00960

MONEY EXPRESS
PO BOX 9146
SAN JUAN, PR 00908-0146

MUEBLERIA BERRIOS
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CIDRA, PR 00739-0674

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PO BOX 105980 DEPT 77
ATLANTA, GA 30353 5980

SPRINT
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LONDON, KY 40742-8077

WALMART-MCCBG
PO BOX 103042
ROSWELL, GA 30076-9042

WESTERN AUTO
PO BOX 51984
TOA BAJA, PR 00950-1984

WESTERN BANK
PO BOX 1180
MAYAGUEZ, PR 00681-1180

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SAN JUAN, PR 00902-3884

JULIO RIVERA TORO
BUFETE LCDO JULIO RIVERA TORO
P O BOX 335090
PONCE, PR 00733-5090

End of Label Matrix	
Mailable recipients	29
Bypassed recipients	0
Total	29